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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,901	04/14/2004	Florian Patrick Nierhaus	2003P18698US	6111

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

GAY, SONIA L

ART UNIT	PAPER NUMBER
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4183

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,901	Applicant(s) NIERHAUS, FLORIAN PATRICK	
	Examiner SONIA GAY	Art Unit 4183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/16/2005 04/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-8, 10-17, 19-25, 27, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Cruickshank (US 6,816,468).

As to claims 1, 11, 21, and 22, Cruickshank teaches a conferencing method (column 3 lines 49 – 51; column 4 lines 8 – 10) system (column 2 lines 41 - 42), and a machine - readable medium with instructions to perform the conferencing method (column 4 lines 16 – 19), comprising: receiving first conference- endpoint data for a first conference type from a first endpoint and storing it in memory (**Fig. 1** 110a, 102a, 104a; column 5 lines 62 – column 6 line 4; column 9 lines 30 – 41; **Fig. 4** 310, 410 and column 10 lines 44 – 52); determining a second conference type identifier, by reading a conference type identifier from a memory, the conference type identifier specifying a second conference type for the a second endpoint participating in a conference with the first endpoint (**Fig. 1** 102c; column 9 lines 42 - 61, 64 – column 10 line 7); selecting a conversion program based on the second conference type (column 9 lines 58 -62; column 12 lines 9 - 15) and initiating execution of the conversion program on the first endpoint data to prepare the converted first conference-endpoint data compatible with the second conference type from the first conference – endpoint data (**Fig. 8** S802 and column 12 lines 28 - 33) using a processor (**Fig. 1** 122 46 – 49; **Fig. 3** 304 and column 7 lines 61 – 64; column 12 lines 15 - 21); and, transmitting the converted first conference-endpoint data to the second endpoint (**Fig. 8** S804 and column 12 lines 33 – 37).

As to claims 3-4, 10, 13 – 14, 20, and 23, Cruickshank teaches the method, system and computer readable medium as disclosed above and further comprising: the act of initiating execution of the conversion program comprising initiating execution of a text-to-speech translator (**Fig. 4** 438 column 12 lines 15 – 21, 28 - 33) or a speech -to-text translator that is stored in memory (**Fig. 4** 436, 310 and column 8 lines 57 - 64); and, the memory further comprising aiding data for speech-to-text translation associated with the endpoint identifier (column 14 lines 64 – column 15 line 4).

As to claims 5, 17, and 25, Cruickshank teaches the method, system, and computer readable medium as disclosed above and further comprising the act of transmitting initiated by the processor which comprises transmitting the converted-endpoint data and a first endpoint identifier to the second endpoint (column 11 lines 37 – 41; column 12 lines 59 – column 13 line 4).

As to claim 6, Cruickshank teaches the method, system and computer – readable medium as disclosed above and further comprising the act of transmitting comprising transmitting the first conference -endpoint data and the converted first conference – endpoint data to the second endpoint (column 12 lines 40 – 45).

As to claims 7, 15, 16, and 25, Cruickshank teaches the method, system, and computer readable medium as disclosed above and further comprising: receiving second conference-endpoint data for the second conference type from the second endpoint and storing it in the memory (**Fig. 1** 102c; column 5 lines 62 – column 6 line 4; column 9 lines 30 – 41; **Fig. 4** 310, 410 and column 10 lines 44 – 52); preparing the converted second conference-endpoint data compatible with the first conference type for the second conference-endpoint data (column 11

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lines 55 – column 12 line 6), wherein the processor executes the text-to-speech translator on the first conference data to prepare the first-conference endpoint data (**Fig. 8** S802 and column 12 lines 28 - 33) and executes the speech-to-text translator on the second conference-endpoint data to prepare converted second conference-endpoint data (**Fig. 7** S702, S704 and column 11 lines 65 – column 12 line 1; and transmitting the second converted conference-endpoint data to the first endpoint (column 12 lines 1 - 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 8-9, 12, 18- 19, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank (US 6, 816, 468) in view of Davis et al. (US 2005/0021344), and further in view of Kanevsky et al. (US 6,618,704).

Cruickshank discloses the claimed invention above, including the following: a conversion program comprising initiating execution of a text-to-speech translator (**Fig. 8** S802 and column 12 lines 28 – 33) ; the first conference type is data/text (**Fig. 1** 110a, 102a, 104a , 114 and column 5 lines 6 – 13,); and ,the second conference type is voice (**Fig. 1** 102c and column 5 lines 13 – 16).

Yet, Cruickshank fails to disclose the following: the first conference type is text messaging; one of the first conference type and second conference type is at least one of a decentralized text messaging conference and a centralized text messaging conference, where the

processor is operable to initiate transmission of the converted first endpoint data according to a pre-selected instant messaging protocol; and, the act of initiating execution of the conversion program further comprises the act of selecting a voice from voice data that is stored in the memory for at least one of the first and second endpoints.

However, Davis et al. discloses a the following: a conferencing system and method (**Abstract**) wherein one of the first conference type and the second conference type is at least one of a decentralized text messaging conference(**Fig. 1** 10, 14, 18, 22 and [0015] [0016]) for the purpose of enabling telephone users to participate in an instant messaging conference since conferencing using text-based messaging(IM) applications is frequently used as a means of collaboration ([0004] [0008]); and, the act of initiating execution of the conversion program further comprises the act of selecting a voice from voice data that is stored in the memory for at least one of the first and second endpoints (**Fig. 2** 66 [0017] [0020]) for the purpose of providing personalized or customized voice at the telephone ([0019]);

Moreover, Kanevsky et al. discloses a conferencing system and method (**Abstract**) wherein transmitting the converted first conference endpoint comprises initiating the transmission of the converted first endpoint data according to a pre-selected instant messaging (IM) protocol (column 2 lines 18 – 25) for the purpose of providing teleconferencing between hearing - impaired and hearing users (**Abstract**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Cruickshank with the inventions that are disclosed in Davis et al. and Kanesvky at al. as follows: the first endpoint is an IM capable device and the first conference type is an IM messaging conference for the purpose of providing

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teleconferencing between users of data network devices, including those who are hearing impaired, and users of traditional telephony devices who may or may not have access to a data network device; the memory of the teleconference bridge server as disclosed in Cruickshank stores voice data for the purpose of selecting and providing personalized voice as output from the text-to-speech program to the telephone; and, the converted first conference endpoint data is transmitted according to a pre-selected IM protocol for the purpose of enabling a teleconference between users of IM data network services and users of traditional telephony devices.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Whynot et al. (US 2004/0267531), Creamer et al. (US 2004/0267527), Smith Jr. et al. (US 7,200,208), Kredo et al. (US 6,816,578), Chaturvedi et al. (US 6,950,501), and Nakamura (US 7,225,224).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 4183

January 17, 2008

/Len Tran/
Supervisory Patent Examiner, Art Unit 4183